

## REMARKS

The Examiner's recognition of Applicants' invention by the indication of allowable subject matter for claims 8 and 17 is gratefully acknowledged.

Claim 1 has been amended to more particularly point out that Applicants' fuel pump module assembly comprises a jet pump body (64) coupled to the second outlet (103) of the fuel filter and having a jet pump orifice (80), and that the regulating valve assembly is coupled to the jet pump body apart from the jet pump orifice, see Fig. 1 and page 7, line 25, to page 8, line 25, and also claims 7 and 16, now cancelled. Claims 11 and 20 are also amended to call for a jet pump orifice and to point out that the regulating valve is apart from the jet pump orifice. The dependencies of claims 8 and 17 are corrected in view of the cancellation of claims.

### *Claims Rejections based upon WO 99/61777, alone or with Oi et al.*

Claims 1, 2, 7, 9, and 10 were rejected under 35 U.S.C. § 102(b) as anticipated by WO '777 99/61777, published in 1999. Claims 3-6, 11-16 and 18-20 were rejected under 35 U.S.C. § 103 as unpatentable over WO '777 in view of United States Patent No. 5,613,476, issued to Oi et al. in 1997. In view of the amendments to the claims, the rejections are addressed concurrently.

As depicted in the drawings, WO '777 shows a fuel pump module that includes a

fuel pump connected to a filter 130 having an outlet 132 to the engine, and also a second outlet to jet pump 160. A pressure regulator 170 is disposed between the second outlet and the jet pump. When the fuel pressure drops below the opening pressure of the regulator, jet pump operation is interrupted, and fuel flow into the module is discontinued. On the other hand, when the pressure is sufficient to open the regulator and operate the jet pump, the backpressure from the jet pump increases the pressure at the outlets, so that the fuel pressure to the engine is not solely determined by the regulator, but also includes the backpressure due to the jet pump. In contrast, in Applicants' fuel module assembly, the regulating valve assembly is located apart from the jet pump orifice. Thus, jet pump operation is not interrupted. Also, the pressure at the outlets, and in particular to the engine, is determined solely by the setpoint of the regulating valve assembly. The arrangement in WO '777 does not provide these features. Thus, WO '777 does not anticipate, or even suggest, Applicants' invention.

Oi et al. does not make up the deficiencies. Oi et al. is applied to show a check and relief valve assembly for a fuel pump module. It does not show a module that includes a filter coupled to the fuel pump. Moreover, it does not show the outlet of such filter coupled to a jet pump body or a regulating valve assembly coupled to the jet pump body apart from the jet pump orifice. Thus, even when read together, the practitioner is not lead to modify WO '777 to include the features that make up Applicants' invention.

Claim 1 is directed to Applicants' fuel pump module assembly that includes a fuel filter having a first outlet coupled to the engine, a jet pump body coupled to a second

outlet of the fuel filter, and a regulating valve assembly coupled to the jet pump body. In accordance with the claim, the regulating valve assembly is disposed apart from the jet pump orifice. In contrast, the regulator in WO '777 is in series with the jet pump orifice and regulates flow to the jet pump. Oi et al. does not show a filter or jet pump, and so cannot point to these features. Thus, whether taken alone or combined, the references do not teach or suggest Applicants' fuel pump module in claim 1.

Claims 2-6 and 9-10 are dependent upon claim 1, but include features preferred in the practice of Applicants' invention. Since the references do not show Applicants' invention in claim 1 for the reasons above, it follows that they also cannot show the invention in the claims dependent thereon.

Claim 11 is also directed to Applicants' fuel module assembly and, like claim 1, calls for a regulating valve connected to the jet pump apart from the jet pump orifice. For the reasons above, WO '777 arranges the regulating valve in series with the orifice to regulate flow to the jet pump orifice, and result in a pressure that is the total of the opening pressure and the jet pump backpressure. Oi et al. does not show a jet pump or a regulating valve and so cannot make up the deficiencies. Thus, the references do not teach or suggest Applicants invention in claim 11, or in claims 12-15 and 18-19 dependent thereon.

Claim '20 is a fuel tank assembly that includes a fuel filter, a jet pump and a regulating valve in accordance with Applicants' invention. The claim calls for the

regulating valve to be disposed apart from the jet pump orifice. For the reasons above, the references do not show a regulating valve disposed apart from the jet pump orifice, and so do not teach or suggest Applicants' invention in claim 20.

Accordingly, it is respectfully requested that the rejection of claims 1-6, 7-15 and 18-20 based upon WO '777 and Oi et al. be reconsidered and withdrawn, and that the claims be allowed.

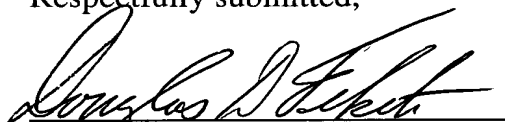
*Conclusion*

Claims 8 and 17 were objected to as dependent upon rejected base claims. In view of the amendments and remarks herein, it is believed that the base claims are now allowable. Accordingly, it is requested that the objection be withdrawn, and that all claims be allowed.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

Douglas D. Fekete

Reg. No. 29,065

Delphi Technologies, Inc.

Legal Staff – M/C 480-410-202

P.O. Box 5052

Troy, Michigan 48007-5052

(248) 813-1210